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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,876	03/23/2004	David Milstein	50037.222US01	7778
27488 7590 04/29/2008 MERCHANT & GOULD (MICROSOFT) P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903				
EXAMINER MCLEOD, MARSHALL M				
ART UNIT 2157		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/809,876

Applicant(s)

MILSTEIN ET AL.

Examiner

MARSHALL MCLEOD

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This Office action has been issued in response to amendment filed 24 January 2008. Claims 1-20 have been cancelled. Claims 21-40 have been added. Applicants' amendment has been carefully and respectfully considered but is not persuasive, in light of the examiner's rejection. Accordingly, this action has been made FINAL.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 21-24, 26-31, 33-38 and 40 are rejected under 35 U.S.C. 102(e) as being anticipated by LaRue et al. (Patent No US 6,810,405), hereinafter LaRue filed on 4 October 2000.**

3. With respect to claim 21, LaRue discloses a computer-implemented method for shadowing information between a first computing device and a second computing device (Column 1, lines 56-60), the method comprising: associating shadow settings with an application of the first computing device (Column 14, lines 22-27); registering the application of the first

computing device with a shadow manager, wherein the shadow manager is on the first computing device, wherein registering the application includes communicating the settings to the shadow manager (Column 3, lines 28-34); receiving a system event on the computing device, wherein the system event indicates a coupling of the second computing device to the first computing device (Column 14, lines 3-9); upon receiving the system event, determining whether shadowing is supported according to the settings communicated to the shadow manager (Column 32, lines 66-67; Column 33 lines 1-16); when shadowing is supported, shadowing, by the shadow manager, the application, wherein the application is actively executing on the first computing device wherein the actively executing application (Column 11, lines 36-43) includes a current runtime (Column 13, lines 20-23; i.e. ...since the last time the dataset was synchronized... which can be interpreted to mean the last time the application was ran i.e. a runtime), and sending, from the shadow manager of the first computing device, data of the current runtime, wherein the data of the current runtime is configured to cause the second computing device to mirror the current runtime of the actively executing application of the first computing device (Column 24, lines 57-67; Column 25 lines 1-10).

4. With respect to claims 22, 29 and 36, LaRue discloses wherein the shadow settings include at least one member of a group comprising: supported file identifiers of the application (Column 9, lines 60-64; Column 10, lines 1-8), computing device identifiers for identifying computing devices having authority to couple to the first computing device (Column 34, lines 32-39), a manually shadowing setting (Column 26, lines 61-63), and an automatic shadowing setting (Column 15, lines 45-47).

5. With respect to claims 23, 30 and 37, LaRue discloses wherein determining whether shadowing is supported includes determining whether the shadow settings include at least one member of a group comprising: manual shadowing and automatic shadowing (Column 26, lines 41-44).
6. With respect to claims 24, 31 and 38, LaRue discloses wherein determining whether shadowing is supported includes confirming a digital certificate associated with the first computing device and the second computing device (Column 3, lines 29-34).
7. With respect to claims 26, 33 and 40, LaRue discloses further comprising ignoring the second computing device when shadowing is not supported (Column 15, lines 48-53; i.e. discloses trying to synchronize with a second device but aborting the synchronization process if the synchronization process fails i.e. is not supported).
8. With respect to claims 27 and 34, LaRue discloses wherein the current runtime is associated with at least one member of a group comprising: an executing music application, an executing video application, an executing voice-over-Internet-Protocol application, an executing web browsing application, and an executing word processing application (Column 31, lines 46-50).

9. With respect to claim 35, LaRue discloses a system for shadowing information between a first computing device and a second computing device, the system comprising: a processor (Column 5, lines 13-20); and a memory having computer executable instructions (Column 5, lines 13-20), wherein the computer executable instructions are configured for: associating shadow settings with an application of the first computing device (Column 14, lines 22-27); registering the application of the first computing device with a shadow manager, wherein the shadow manager is on the first computing device, wherein registering the application includes communicating the settings to the shadow manager (Column 3, lines 28-34); receiving a system event on the computing device, wherein the system event indicates a coupling of the second computing device to the first computing device (Column 14, lines 3-9); upon receiving the system event, determining whether shadowing is supported according to the settings communicated to the shadow manager (Column 32, lines 66-67; Column 33 lines 1-16); when shadowing is supported, shadowing, by the shadow manager, the application, wherein the application is actively executing on the first computing device wherein the actively executing application (Column 11, lines 36-43) includes a current runtime (Column 13, lines 20-23; i.e. ...since the last time the dataset was synchronized... which can be interpreted to mean the last time the application was ran i.e. a runtime), and sending, from the shadow manager of the first computing device, data of the current runtime, wherein the data of the current runtime is configured to cause the second computing device to mirror the current runtime of the actively executing application of the first computing device (Column 24, lines 57-67; Column 25 lines 1-10).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. **Claims 25, 32 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaRue in view of Un (Pub. No US 2003/0053631 A1).**

12. With respect of claims 25, 32 and 39, LaRue does not disclose wherein determining whether shadowing is supported includes accessing digital rights management information associated with the application of the first computing device to determine whether shadowing is supported.

However, Un discloses wherein determining whether shadowing is supported includes accessing digital rights management information associated with the application of the first computing device to determine whether shadowing is supported (Page 3; [0031], lines 1-7).

It would have been obvious to a person having ordinary skill in the art at the time of invention to modify the teachings of LaRue with the teachings of Un in order to make synchronization of data a more secure process.

13. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over LaRue in view of Pardikar (Patent No US 5,721,916).

14. With respect to claim 28, LaRue discloses associating shadow settings with an application of the first computing device (Column 14, lines 22-27); registering the application of the first computing device with a shadow manager, wherein the shadow manager is on the first computing device, wherein registering the application includes communicating the settings to the shadow manager (Column 3, lines 28-34); receiving a system event on the computing device, wherein the system event indicates a coupling of the second computing device to the first computing device (Column 14, lines 3-9); upon receiving the system event, determining whether shadowing is supported according to the settings communicated to the shadow manager (Column 32, lines 66-67; Column 33 lines 1-16); when shadowing is supported, shadowing, by the shadow manager, the application, wherein the application is actively executing on the first computing device wherein the actively executing application (Column 11, lines 36-43) includes a current runtime (Column 13, lines 20-23; i.e. ...since the last time the dataset was synchronized... which can be interpreted to mean the last time the application was ran i.e. a runtime), and sending, from the shadow manager of the first computing device, data of the current runtime, wherein the data of the current runtime is configured to cause the second computing device to mirror the current runtime of the actively executing application of the first computing device (Column 24, lines 57-67; Column 25 lines 1-10).

LaRue does not disclose a computer-readable storage medium having computer executable instructions for shadowing information between a first computing device and a second computing device. However, Pardikar discloses a computer-readable storage medium having computer executable instructions for shadowing information between a first computing device and a second computing device (Claim 11; Column 9, lines 4-12). It would have been obvious to a person having ordinary skill in the art at the time of invention to modify the teachings of LaRue with the teachings of Pardikar in order to have a portable copy of the instructions that can be easily installed on any computer.

Response to Arguments

15. Applicants' arguments with respect to rejections not repeated herein are moot, as the respective rejections have been made final through the use of additional prior arts listed above, in light of the applicant amendments.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on

the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARSHALL MCLEOD whose telephone number is (571)270-3808. The examiner can normally be reached on Monday - Thursday 6:30 a.m-4:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Marshall McLeod 4/9/2008

/Ario Etienne/
Supervisory Patent Examiner, Art Unit 2157